

United States District Court
Southern District of Texas
FILED

United States District Court

SOUTHERN

DISTRICT OF
MCALLEN DIVISION

TEXAS

NOV 12 2014

UNITED STATES OF AMERICA

V.

David J. Bradley, Clerk

CRIMINAL COMPLAINT

Heriberto Quezada-Zamarron 098 898 060	YOB: 1971	<i>Principal</i> Mexico
Deyanira Guevara A079 190 058	YOB: 1974	<i>Co-Principal</i> Mexico

Case Number:

M-14-2161 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 11, 2014 in Starr County, in the Southern District of Texas defendants(s) did,

(*Track Statutory Language of Offense*)

knowing or in reckless disregard of the fact that Alfredo Cardenas-Trujillo, and Omar Aleman-Medina, both citizens of Mexico, along with three other undocumented aliens, for a total of five (5), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Rio Grande City, Texas to the point of arrest in Garciasville, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 11, 2014, DPS Trooper Robert Flores was conducting surveillance in Rio Grande City in front of the HEB and McDonalds, which is an area that is notorious for illegal alien activity. McDonalds is less than half a mile away from the Rio Grande River. Trooper Flores observed two subjects walk behind his unit and enter McDonalds. The Trooper then observed a red Chevrolet Equinox park in the McDonalds parking lot. Two subjects, later identified as Heriberto QUEZADA-Zamarron and Deyanira GUEVARA, exited the vehicle and also entered McDonalds. Shortly after, the first two subjects who the trooper saw enter the McDonalds, exited and boarded the back seat of the Equinox. QUEZADA and GUEVARA then exited McDonalds, boarded the Equinox and drove off.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

Yes No

Approved to file by Deputy Amuleo

Sworn to before me and subscribed in my presence,

November 12, 2014

Date

Peter E. Ormsby

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Complainant

Eduardo Cortez

Senior Patrol Agent

Printed Name of Complainant

McAllen, Texas

City and State

Signature of Judicial Officer

Peter E. Ormsby

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-14-2161 -M

RE:	Heriberto Quezada-Zamarron	098 898 060
	Deyanira Guevara	A079 190 058

CONTINUATION:

Trooper Flores followed the vehicle as it drove east. The Equinox came to a stop at the La Escondida restaurant, located on FM 1430, in Garciasville, Texas. As all four subjects exited the vehicle, Trooper Flores approached them and began a conversation with them. Trooper Flores requested Border Patrol to determine alienage.

Border Patrol arrived and discovered that all four subjects were illegally in the United States. Both QUEZADA and GUEVARA were read their rights, and then all four were transported to the Rio Grande City Border Patrol Station for processing.

At the station, GUEVARA told agents she lived at 7047 Highway 83, Apt. 4, in La Grulla, Texas. When asked if there were any illegal aliens at her house, she told agents there were at one time, but they had already left. Agents requested assistance from the Starr County Sheriff's Office in approaching 7047 Highway 83, Apt. 4. GUEVARA granted consent to search her apartment. As agents and SCSO knocked on the door to the residence, one subject was noticed trying to exit the apartment through a window in the back. When questioned, the subject stated he was trying to get some fresh air. Agents advised him that law enforcement was knocking on the front door, and he opened the door for the agents. Agents searched the apartment and found two more subjects hiding in a closet. All three subjects at the apartment admitted to being undocumented aliens and were transported to the station for processing.

PRINCIPALS' STATEMENTS:

1- QUEZADA told agents he and GUEVARA went to McDonalds to eat breakfast. There, they sat down next to two men in McDonalds who asked them for a ride to go eat at another location. He did not provide a reason why the men couldn't eat at the restaurant they were already in. QUEZADA stated he took the men to another restaurant, and that is where he encountered the police. According to QUEZADA, he knew DPS was following him as he was driving. He proceeded to tell agents the 2 men in the back seat who wanted to go eat at the restaurant, never exited the vehicle when they arrived at the restaurant. QUEZADA identified GUEVARA in a photo lineup as the woman accompanying him in the restaurant and in the vehicle.

2- GUEVARA stated she left her residence in La Grulla, Texas to travel to Rio Grande City. She initially stated she made the trip to make a payment at Oscar's Pharmacy, but did not make the payment. She then went to McDonalds to buy food for her son, and met the two men found in her car. She told agents the two men asked for a ride. After agreeing to give them a ride, GUEVARA and QUEZADA drove to La Escondida restaurant to buy food for GUEVARA'S daughter. According to GUEVARA, the 2 passengers asked them for a ride to the store. DPS then stopped them at La Escondida Restaurant. GUEVARA identified QUEZADA in a photo lineup as the man who was driving the vehicle she was in.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

M-14- 2161 -M

RE: Heriberto Quezada-Zamarron
Deyanira Guevara

098 898 060
A079 190 058

CONTINUATION:

NOTE: QUEZADA has been identified as the principal in 1 prior administrative case in 2014. GUEVARA has been identified as a principal in 2 prior administrative cases in 2007 and 2014.

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- Alfredo Cardenas-Trujillo stated his cousin was charged an unknown amount for him to be smuggled into the United States. After staying in a hotel in Reynosa, Mexico for three days, he was transported to the Rio Grande River and smuggled across on a raft. The guide on the raft told him to walk to McDonalds, and there would be a woman to pick him up. Cardenas told agents he and the other smuggled alien purchased a coffee and sat down at McDonalds. The other smuggled alien's phone rang (material witness Omar Aleman-Medina), and the woman on the phone stated she was also at McDonalds. The woman did not approach the 2 smuggled aliens until she finished her food. When she did approach them, she sat down next to them and told them to board the vehicle.

Cardenas stated he knew which vehicle was hers, because he saw her arrive. GUEVARA told the 2 aliens to board the vehicle one at a time. According to Cardenas, GUEVARA sat in the front passenger seat, and a man she was with, sat in the driver's seat. They then left and pulled into another restaurant. The police pulled up next to them, and GUEVARA and QUEZADA exited the truck. GUEVARA told them to stay in the truck because their clothes were wet. Cardenas identified QUEZADA in a photo lineup as the driver of the vehicle and GUEVARA as the woman who gave him all the instructions.

2- Omar Aleman-Medina stated he was charged \$6,000 (USD) to be smuggled into the United States. He told agents that the guide who crossed the river with him, put a phone number in Aleman's phone, and told him to call it as soon as he crossed the river. He called the number when he reached McDonalds. A woman answered and told them to board a maroon vehicle in the parking lot. Aleman stated he boarded the back seat of the vehicle, and the lady who he was talking to in McDonalds then joined him. She sat in the front passenger seat, and the man she was with drove the vehicle. The lady (GUEVARA) told them she was taking them to her house. Aleman told agents he still had GUEVARA'S phone number on his phone, and granted consent to search his phone. Aleman identified GUEVARA as the female giving him instructions, and QUEZADA as the man driving the vehicle.

NOTE: GUEVARA gave consent to search her phone.

Agents found that material witness Omar Aleman-Medina had GUEVARA'S number saved in his phone. Additionally, both GUEVARA and Aleman had a contact named Pato (with the same number) saved in each of their phones.